

**United States Court of Appeals
for the District of Columbia Circuit**

No. 24-1113

(and Consolidated Cases 24-1130 & 24-1183)

TIKTOK INC. and BYTEDANCE LTD.,

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as
Attorney General of the United States,

Respondent.

(For Continuation of Caption See Inside Cover)

*On Petitions for Review of Constitutionality of the Protecting
Americans from Foreign Adversary Controlled Applications Act*

**NOTICE OF INTENT OF CHAIRMAN OF THE SELECT COMMITTEE
ON THE CCP JOHN R. MOOLENAAR, RANKING MEMBER RAJA
KRISHNAMOORTHY, AND FIFTY-FIVE MEMBERS OF CONGRESS TO
FILE AN *AMICUS CURIAE* BRIEF IN SUPPORT OF RESPONDENT**

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August 2, 2024

BRIAN FIREBAUGH, *et al.*,

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as
Attorney General of the United States,

Respondent.

BASED POLITICS INC.,

Petitioner,

v.

MERRICK B. GARLAND, in his official capacity as
Attorney General of the United States,

Respondent.

NOTICE OF INTENT TO FILE *AMICUS* BRIEF

Pursuant to Federal Rule of Appellate Procedure 29(a) and Circuit Rule 29(b), *Amici Curiae* Chairman of the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party John R. Moolenaar, Ranking Member Raja Krishnamoorthi, and Fifty-Five Members of Congress represent that they intend to participate in this case as *Amici Curiae*. Petitioners and Respondent have consented to the filing of the Brief of *Amici Curiae*.

Amici Curiae, listed in the Appendix, are Members of the United States Senate and the United States House of Representatives who seek to protect all Americans from foreign adversary controlled applications that present a clear national security threat to the United States. Earlier this year, wide bipartisan majorities in Congress enacted and President Biden signed the Protecting Americans from Foreign Adversary Controlled Applications Act, Pub. L. No. 118-50, Div. H, 138 Stat. 895, 955–60 (2024) (“Divestiture Act”) (and a near-identical precursor to this law was introduced by the bipartisan leaders of the Select Committee on the CCP, unanimously reported out of the House Energy and Commerce Committee with a 50-0 vote, and passed the House by a vote of 352-65-1). Contrary to the claims of Petitioners in these cases, the Divestiture Act does not regulate speech or require any social-media company to stop operating in the United States. The Divestiture Act is instead focused entirely on the regulation of foreign adversary control and provides

a clear, achievable path for affected companies to resolve the pressing and non-hypothetical national security threats posed by their current ownership structures. Because the Constitution invests the political branches and especially Congress with responsibility and authority to protect the American people from foreign threats, *Amici Curiae* have a strong interest in supporting the Divestiture Act.

Amici Curiae are filing this Notice “as promptly as practicable.” See D.C. Circuit Rule 29(b).

Amici Curiae intend to file their brief no later than August 2, 2024 in accordance with D.C. Circuit Rule 29(c) and the Court’s June 18, 2024 Order.

Amici Curiae certify that a separate *amicus* brief is necessary. See D.C. Circuit Rule 29(d). The Brief of *Amici Curiae* provides the unique perspective of Members of Congress on the constitutionality and importance of the law under review.

August 2, 2024

/s/ Thomas M. Johnson, Jr.

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CERTIFICATE OF SERVICE

I certify that on August 2, 2024, a true and correct copy of this Notice of Intent was filed and served electronically upon counsel of record registered with the Court's CM/ECF system.

/s/ Thomas M. Johnson, Jr.

Thomas M. Johnson, Jr.

APPENDIX***U.S. House of Representatives***

Select Committee on the CCP Chairman John R. Moolenaar

Select Committee on the CCP Ranking Member Raja Krishnamoorthi

Energy and Commerce Committee Chair Cathy McMorris Rodgers

Energy and Commerce Committee Ranking Member Frank Pallone

Majority Leader Steve Scalise

Speaker Emerita Nancy Pelosi

Representative Jake Auchincloss

Representative Andy Barr

Representative Shontel M. Brown

Representative Larry Bucshon, M.D.

Representative Kat Cammack

Representative André Carson

Representative Earl L. “Buddy” Carter

Representative Kathy Castor

Representative Ben Cline

Representative Dan Crenshaw

Representative John Curtis

Representative Donald G. Davis

Representative Chris Deluzio

Representative Jeff Duncan

Representative Neal P. Dunn, M.D.

Representative Anna G. Eshoo

Representative Carlos Giménez

Representative Josh Gottheimer

Representative H. Morgan Griffith

Representative Brett Guthrie

Representative Diana Harshbarger

Representative Ashley Hinson

Representative John James

Representative Dusty Johnson

Representative Darin LaHood

Representative Robert E. Latta

Representative Blaine Luetkemeyer

Representative Jared Moskowitz

Representative Seth Moulton

Representative Dan Newhouse

Representative Greg Pence

Representative August Pfluger

Representative Brad Sherman

Representative Mikie Sherrill

Representative Elissa Slotkin

Representative Michelle Park Steel

Representative Elise Stefanik

Representative Haley M. Stevens

Representative Thomas Suozzi

Representative Ritchie Torres

Representative Tim Walberg

Representative Randy Weber

Representative Rob Wittman

U.S. Senate

Senate Select Committee on Intelligence Vice Chairman Marco Rubio

Senator Marsha Blackburn

Senator John Cornyn

Senator Tom Cotton

Senator Josh Hawley

Senator Pete Ricketts

Senator James E. Risch

Senator Mike Rounds